

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON ~~FILED~~ 09 JUN 30 17:05 USDC-ORE

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 v.)

6 AL-HARAMAIN ISLAMIC)
7 FOUNDATION, INC., et al.,)

8 Defendants.)

No. 05-60008-1-HO

August 5, 2005

Eugene, Oregon

9 TRANSCRIPT OF PROCEEDINGS

10 BEFORE THE HONORABLE THOMAS M. COFFIN

11 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

12 -:-

13
14
15 APPEARANCES OF COUNSEL

16 FOR THE PLAINTIFF: CHRISTOPHER L. CARDANI
17 United States Attorney's Office
18 405 E. 8th Avenue, Suite 2400
19 Eugene, OR 97401
(541) 465-6771
chris.cardani@usdoj.gov

20 FOR THE DEFENDANT: MARC D. BLACKMAN
21 (via telephone) Ransom Blackman LLP
22 1001 SW Fifth Avenue
23 Suite 1400
Portland, OR 97204
(503) 228-0487
marc@ransomblackman.com

24 COURT REPORTER: Deborah Wilhelm, CSR, RPR
25 P.O. Box 1504
Eugene, OR 97440
(541) 431-4113

186

1 (Friday, August 5, 2005; 1:33 p.m.)

2 P R O C E E D I N G S

3 THE CLERK: Now is the time set for the matter
4 of the *United States of America versus the Islamic (sic)*
5 *Foundation*, Case No. 05-60008, status hearing regarding
6 motion No. 10 to dismiss.

7 I have Mr. Blackman by telephone.

8 THE COURT: Okay. Mr. Blackman, did you
9 receive a copy of the government's motion?

10 MR. BLACKMAN: I did, Your Honor. Thank you.

11 THE COURT: Do you wish to respond in writing
12 to it or orally, or how do you wish to proceed?

13 MR. BLACKMAN: I would like a chance actually
14 to evaluate whether to respond or how to respond after
15 I've had a chance to confer with others and do some
16 research. I've done some preliminary research, but I
17 don't feel quite ready to make any recommendations to my
18 client yet.

19 THE COURT: Okay.

20 MR. BLACKMAN: And Mr. Cardani and I were
21 discussing this before you took the bench. If I could
22 have until the 15th to file a response, or at least
23 notify the parties, the court, and Mr. Cardani, if we're
24 going to oppose their motion -- let me say, I think
25 we're going to oppose the motion. Whether we're going

1 to do more than simply make it a matter of record that
2 we oppose it or not is what I don't know yet. If I can
3 have until then to file whatever I was going to file in
4 writing.

5 THE COURT: Okay.

6 MR. BLACKMAN: And I think Mr. Cardani and I
7 were discussing whether the court would then allow him
8 until the 22nd to respond, and then we could have it on
9 the court's Monday calendar on the 29th.

10 THE COURT: That will work with me. All right.
11 I'll give you until the 15th to file any opposition.
12 I'll give the government until the 22nd to reply. And
13 we'll set this over -- we'll vacate the hearing on
14 Monday, August 8th, and set it over to August 29th at
15 1:30 for a hearing. And you can appear -- it's your
16 choice -- either in person or by telephone.

17 MR. BLACKMAN: Very good. Thank you very much.

18 One thing I have been trying to struggle with,
19 Christy passed on to us yesterday the question you
20 raised about your jurisdiction as a magistrate judge. I
21 found one case and I thought it was dispositive, but I
22 read it more carefully and I'm not sure it is, but there
23 is a case out of the Eastern District of Virginia called
24 *United States versus Edelman*, E-D-E-L-M-A-N, which is at
25 809 F.Supp. 431. The actual issue in that case was

1 whether or not a magistrate's granting of a motion to
2 dismiss under Rule 48(a) was reviewable by an Article
3 III district court judge. But -- and it says it's not.
4 But then I realized, after more careful reading, that it
5 was a dismissal of a complaint. It wasn't a dismissal
6 of an indictment. And I don't know if there is a
7 difference.

8 THE COURT: Yeah, I don't either. Yeah, off
9 the top of my head, it wouldn't seem that there would be
10 a distinction between dismissing an indictment on the
11 motion of the government and dismissing a complaint on
12 the motion of the government.

13 MR. BLACKMAN: Right, that's -- and I don't
14 know if Mr. Cardani has had a chance to look at that
15 issue, but I thought that was something else I would try
16 to see if there is really any law on that jurisdictional
17 question by the 15th.

18 THE COURT: Okay. Then we'll just have the
19 hearing on the 29th at 1:30.

20 MR. BLACKMAN: Thank you very much.

21 THE COURT: You bet.

22 (The proceedings were concluded at 1:36 p.m.)
23
24
25

CERTIFICATE

I, Deborah Wilhelm, Certified Shorthand Reporter for the State of Oregon, do hereby certify that I was present at and reported in machine shorthand the oral proceedings had in the above-entitled matter. I hereby certify that the foregoing is a true and correct transcript, to the best of my skill and ability, dated this 30th day of June, 2009.



Deborah Wilhelm
Deborah Wilhelm, RPR
Certified Shorthand Reporter
Certificate No. 00-0363